

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:12-CR-17

vs.

Hon. Janet T. Neff
United States District Judge

BABUBHAI RATHOD,

Defendant.

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PRELIMINARY ORDER OF FORFEITURE

WHEREAS, on October 18, 2012, Defendant Babubhai Rathod pled guilty to Count 1 of the Superseding Indictment, charging him with conspiracy to pay and receive health care kickbacks, in violation of 18 U.S.C. § 371 and 42 U.S.C. § 1320a-7b(b).

WHEREAS, pursuant to Defendant's guilty plea and plea agreement, Defendant has consented to the forfeiture of his interest in the following property, hereinafter (the "Subject Property") listed in the Bill of Particulars filed in this matter on July 12, 2012:

- a. \$74,744.72 in funds seized from PNC Bank Account No. 4251558568, in the name of U.S. Rehab Services P.C.;
- b. One 2008 Honda Odyssey, VIN 5FNRL38968B062678, titled in the name of U.S. Rehab Services, P.C.;
- c. One 2008 Mercedes Benz E350W, VIN WDBUF56X28B208915, titled in the name of U.S.Rehab Services, P.C.;
- d. One 2011 Honda CR-V EXL, VIN 5J6RE4H55BL028291, titled in the name of Amee Prafulchandra Mehta;

- e. \$23,174.23 PNC Bank Account No. 4251558891, in the Name of Lakeshore Spine & Pain P.C.;
- f. \$32,817.62 PNC Bank Account No. 4251558867, in the name of Michigan Rehabilitation Institute DBA American Physical Therapy & Rehab;
- g. \$28,594.38 PNC Bank Acct. No. 4254519337, in the name of Babubhai B. Rathod;
- h. \$2,047.37 PNC Bank Acct. No. 4244612407, in the name of Lakeshore Home Care Inc.;
- i. \$11,309.91 PNC Bank Acct. No. 4252507519, in the name of Lakeshore Home Health Care, Inc.;
- j. \$2,461.06 PNC Bank Acct. No. 4251558883, in the name of U.S. Services;
- k. \$1,358.41 PNC Bank Acct. No. 4251558672, in the Name of Community Physical Therapy and Rehab Center;
- l. \$4,531.64 PNC Bank Acct. No. 4252391675, in the name of U.S. Rehabilitation Services;
- m. \$13,546.91 Isabella Bank & Trust Acct. No. 0169144, in the name of Mission Physical Therapy, Inc.;
- n. \$51,672.27 Isabella Bank & Trust Acct. No. 173823, in the name of Shakti Estates LLC; and

- o. \$10,842.87 PNC Bank Acct. No. 4253647759, in the name of Raju G. Nakum and Rekhaben Rajubhai Nakum.
- p. Real property consisting of real property located at 5511 West U.S. Highway 10, Ludington, Michigan, Township of Pere Marquette, County of Mason, being more fully described as:

Land situated in the Township of Pere Marquette, County of Mason, State of Michigan, described as follows: Commencing at the West 1/4 post of Section 13, Township 18 North, Range 18 West, thence South 86 degrees 27 minutes 21 seconds East along the East and West 1/4 line of Section 13, 364.51 feet to the point of beginning. Thence South 0 degrees 14 minutes 36 seconds West 449.92 feet; thence South 86 degrees 31 minutes 50 seconds East 295.22 feet to the East line of the West 1/2 of the West 1/2 of the Southwest 1/4 (SW 1/4) of Section 13; thence North 0 degrees 39 minutes 33 seconds West 450.00 feet to the East and West 1/4 line; thence North 86 degrees 27 minutes 21 seconds West 288.15 feet to the point of beginning.

Parcel No. 53-010-013-300-006-00.

Titled in the name of: U.S. Services, LLC.

- q. Real property located at 1277 East Cedar Avenue, Gladwin, M Michigan, County of Gladwin, being more fully described as:

Land situated in the City of Gladwin, County of Gladwin, State of Michigan, described as follows: Part of the Southeast 1/4 of the Northeast 1/4 and part of the Northeast 1/4 of the Southeast 1/4 of Section 6, Town 18 North, Range 1 West, Gladwin City, Gladwin County, Michigan, described as: Beginning at the East 1/4 corner of said Section 6; thence North 00 degrees 44 minutes 24 seconds East, along the East Section line, 358.91 feet; thence North 89 degrees 58 minutes 30 seconds West, parallel with the East-West 1/4 line, 225.88 feet; thence South 00 degrees 15 minutes 59 seconds West, parallel with the East 1/8 line, 155 feet; thence North 89 degrees 58 minutes 30 seconds West, parallel with the East-West 1/4 line, 132.68 feet; thence South 00 degrees 15 minutes 59 seconds West, parallel with the East 1/8 line, 225.15 feet to the Northerly Right-of-Way line of Highway M-61; thence North 87 degrees 11 minutes 22 seconds East, along said Northerly Right-of-Way line of Highway M-61, 356.07 feet to the East Section line; thence North

00 degrees 44 minutes 24 seconds East, along the East Section line, 3.64 feet to the point of beginning.

Subject to a 47 feet wide easement for ingress and egress, being part of the Southeast 1/4 of the Northeast 1/4 and part of the Northeast 1/4 of the Southeast 1/4 of Section 6, Town 18 North, Range 1 West, Gladwin City, Gladwin County, Michigan, described as: Beginning at the East 1/4 corner of said Section 6; thence North 00 degrees 44 minutes 24 seconds West, parallel with the East Section line, 171.56 feet to the Northerly Right-of Way line of Highway 61; thence North 87 degrees 11 minutes 22 seconds East, along said Northerly Right-of-Way line of Highway M-61; 47.09 feet to the East Section line; thence North 00 degrees 44 minutes 24 seconds East, along the East Section line, 3.64 feet to the point of beginning.

Parcel No. 170-506-104-005-00.

Titled in the name of: Shakti Estates, LLC.

WHEREAS, the Defendant consented to the forfeiture of his interest in the Subject Property, whether held personally, through a corporate entity, or other third party.

WHEREAS, based on Defendant's guilty plea and plea agreement, this Court finds that the Subject Property constitutes and is derived from gross proceeds traceable to the conspiracy to pay and receive health care kickbacks as charged in Count 1.

WHEREAS, this Court finds that Defendant had an interest in the Subject Property, and that the Government has established the requisite nexus between the same and Defendant's violation of 18 U.S.C. § 371 and 42 U.S.C. § 1320a-7b(b).

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and 18 U.S.C. § 982(a)(7), that the Subject Property is hereby forfeited to the United States of America.

IT IS FURTHER ORDERED that the United States Marshals Service shall seize the Subject Property and dispose of the same in accordance with applicable law and regulations.

IT IS FURTHER ORDERED that notice of this forfeiture shall be published in accordance with 21 U.S.C. § 853(n)(1).

IT IS FURTHER ORDERED that any third party wishing to assert an interest in the Subject Property must petition the Court in accordance with 21 U.S.C. § 853(n)(2) and (3).

Dated: November 19, 2012

/s/ Janet T. Neff

HON. JANET T. NEFF

United States District Judge